

**NOTICE OF PROPOSED ACTION
TO
BUILDING STANDARDS
OF THE
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT

REGARDING THE
CALIFORNIA BUILDING STANDARDS ADMINISTRATIVE CODE
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, CHAPTER 7

SUBJECT: HEALTH FACILITIES CONSTRUCTION
Project Plan Submittal, Hospital Inspector Certification, and Clinic Review & Inspection**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development (OSHPD) proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 1, Chapter 7. The OSHPD is proposing building standards related to health facilities plan review, hospital inspector certification and clinic review.

PUBLIC COMMENT PERIOD

The California Building Standards Commission on behalf of Office of Statewide Health Planning and Development will hold a public hearing at [TIME], on [DATE] at [ADDRESS], during which time any person may present statements or arguments relevant to the proposed regulatory action summarized below.

Written comments will be accepted by the California Building Standards Commission regarding the proposed changes from [DATE] until [TIME] on [DATE].

Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Stanley T. Nishimura, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

OR

A public hearing has not been scheduled; however, written comments will be accepted from [DATE], until [TIME] on [DATE]. Please address your comments to:

California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833
Attention: Stanley T. Nishimura, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to CBSC@dgs.ca.gov.

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

AUTHORITY AND REFERENCE

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18929. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Sections 129825, 129850 and 129885. The OSHPD is proposing this regulatory action based on Health and Safety Sections 129825, 129850, 129885 and 129675-130070

INFORMATIVE DIGEST

Summary of Existing Laws

Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code Sections 129675 through 130070 authorizes the Office to provide plan review and construction observation for hospitals, skilled nursing facilities and intermediate care facilities in order to assure that these health facilities are compliant with the California Building Standards Code. Specifically, Section 129850 authorizes the Office to develop regulations to effectively carry out the mandate of the Alfred E. Alquist Hospital Facilities Seismic Safety Act.

Health and Safety Code Section 129825 requires the hospital governing board or authority to provide competent adequate inspection during the construction or alteration of a hospital construction project. The inspector(s) must be satisfactory to the architect or engineer, or both, and the Office. Additionally, as part of the approval of an inspector, the Office is required to test inspectors and certify those who successfully pass the examination(s). The Office is authorized to develop regulations for testing and approval of inspectors.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Health and Safety Code Section 129885 specifies the responsibilities of the local building jurisdiction

and the Office regarding plan review, inspection and certification of licensed clinic facilities.

Summary of Existing Regulations

- Plans and specifications for health facility construction are submitted to OSHPD for review and approval by the design architect and/or engineer. There currently are no standards for the dimension or weight of these documents.
- OSHPD administers the Hospital Inspector Certification Examinations for individuals to be certified to inspect hospital construction. There currently are three certification classes of inspectors: Class "A", "B" and "C". In order to take the certification exam for a specific class of hospital inspector, an individual must meet specific minimum qualifications. The exams are divided into sections which relate to the following areas of code enforcement: structural, architectural, mechanical, electrical, fire and life safety and administrative. An applicant must pay a fee as specified in regulations.
- Outpatient clinics are under the jurisdiction of the local building official for plan review and inspection of construction. However, the hospital governing authority may request that, instead, OSHPD perform these services for an outpatient clinic under the hospital's license. Current regulation allows that OSHPD may agree or disagree to provide the requested services.

Summary of Effect

The proposed regulations will provide standard dimensions and weight limitations for plans submitted to OSHPD for review, clarify Class "C" Hospital Inspector minimum qualifications and implement statute regarding plan review and construction inspection services for outpatient clinics under a hospital license.

Comparable Federal Statute or Regulations

There are no comparable Federal statutes or regulations related to this proposed action.

Policy Statement Overview

Title 24, Part 1, Chapter 7, contains administrative regulations for the review and construction of health facilities regulated by OSHPD. This proposal addresses the following specific areas: preparation of plans and specifications, Hospital Inspector certification and plan review and inspection of outpatient clinics.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters to be identified.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

(An estimate, prepared in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district. Provide a copy of the "Economic and Fiscal Impact Statement" (Form 399))

A. Cost or Savings to any state agency: **Yes.** University of California hospitals.

- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No.**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **Yes.** County and district hospitals.
- E. Cost or savings in federal funding to the state: **No**

Estimate: Minor cost to health facilities for shipping sets of project plans weighing over 40 lbs. to OSHPD. Sets of plans over 40 lbs. would have to be split and shipped in separate packages. This would cost approximately \$10.00 for each additional package shipped.

The proposed regulations would impact hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES

The OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

DECLARATION OF EVIDENCE

The OSHPD has not relied on any other facts evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The proposed regulations will clarify existing administrative requirements and implement statute.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE

Identification of findings is not applicable to this proposal.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Minor cost to health facilities for shipping sets of project plans weighing over 40 lbs. to OSHPD. Sets of plans over 40 lbs. would have to be split and shipped in separate packages. This would cost approximately \$10.00 for each additional package shipped.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The OSHPD has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

The proposed action would not have an effect on the creation or elimination of jobs within the State of California.

The creation of new businesses or the elimination of existing businesses within the State of California.

The proposed action would not have an effect on the creation of new businesses or elimination of existing businesses within the State of California.

The expansion of businesses currently doing business with the State of California.

The proposed action would not have an effect on the expansion of businesses currently doing business with the State of California.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The OSHPD has determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

General questions regarding procedural and administrative issues should be addressed to:

**[Insert name of assigned CBSC staff person and back-up person]
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833**

Telephone No.: (916) 263-0916

Facsimile No.: (916) 263-0959

**PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL
QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Duane Borba, Supervisor, Health Facilities Review
Office of Statewide Health and Development
Facilities Development Division
1600 Ninth Street, Room 420
Sacramento, CA 95814

regsunit@oshpd.ca.gov
(916) 654-3139
FAX (916) 653-2973